

REMARKS

Claims 1-8 have been examined. Claims 1-4 have been rejected under 35 U.S.C. § 102(e), and claims 5-8 have been rejected under 35 U.S.C. § 103(a).

Preliminary Matters

The Examiner has objected to claim 5 due to a minor informality. Applicant has amended claim 5 in accordance with the Examiner's suggestion, and respectfully requests the objection to be withdrawn.

Rejections under 35 U.S.C. § 102(e)

Claims 1-4 have been rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,160,545 to Eyer et al. ("Eyer"). However, claims 1-4 have been canceled without prejudice or disclaimer. Accordingly, Applicant submits that the rejection of such claims is now moot.

Rejections under 35 U.S.C. § 103(a)

Claims 5-8 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Eyer.

A. Claim 5

Applicant submits that claim 5 is patentable over the cited reference. For example, claim 5 recites a digital head end that transmits an area code to terminals provided in each area. Claim 5 also recites that program data is transmitted to the terminals provided in each area. Further, the area code is transmitted to the terminals separately from the program data.

Applicant submits that Eyer fails to teach or suggest the above features. For example, the Examiner maintains that the IPG data disclosed in column 8, lines 43-52 of Eyer, suggests the claimed area code and program data. As stated in the reference, the IPG data provides scheduling information for global programming services, as well as for region-specific programming services (col. 8, lines 53-56).

Based on the foregoing, Applicant assumes that the Examiner alleges that the region-specific IPG data discloses the claimed area code. However, even by assuming *arguendo* that the region-specific IPG data discloses the claimed area code, Eyer still fails to teach or suggest the features of claim 5. For example, the region-specific IPG data is a part of, or contained in, the IPG data (col. 8, lines 53-59). Therefore, it appears that the region-specific IPG data is sent simultaneously with the IPG data. Thus, contrary to the recitations of claim 5, Eyer fails to teach or suggest that the region-specific IPG data (i.e. alleged area code) is transmitted separately from the IPG data (i.e. alleged program data).

Accordingly, Applicant submits that claim 5 is patentable over the cited reference, and respectfully requests the Examiner to reconsider and withdraw the rejection.

B. Claims 6 and 7

Since claims 6 and 7 are dependent upon claim 5, Applicant submits that such claims are patentable at least by virtue of their dependency.

C. Claim 8

Since claim 8 contains features which are analogous to the features recited in claim 5, Applicant submits that claim 8 is patentable over the cited references for at least analogous reasons as presented above.

Newly added Claim

Applicant has added claim 9 to provide more varied protection for the present invention.

Conclusion

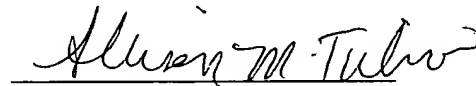
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No.: 09/546,191

Attorney Docket No.: Q58786

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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